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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,066	12/22/2004	Elmo Marcus Attila Diederiks	NL 020628	7327
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER PARK, EDWARD	
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			2624	
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			09/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,066

Applicant(s)

DIEDERIKS ET AL.

Examiner

Edward Park

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/30/06, 3/15/06, 3/15/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in EPO on 7/4/2002. It is noted, however, that applicant has not filed a certified copy of the 02077688.6 application as required by 35 U.S.C. 119(b).

Drawings

2. The drawings are objected to because of figures 1-3 lacking sufficient labeling. Figures 1-3 contain reference numbers but do not contain any structural or descriptive labels that would allow the examiner to quickly comprehend the proposed invention without referring back to the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet"

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or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections - 37 CFR 1.75(a)

3. The following is a quotation of 37 CFR 1.75(a):

The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

4. **Claims 4, 9** are objected to under 37 CFR 1.75(a), as failing to conform to particularly point out and distinctly claim the subject matter which application regards as his invention or discovery.

Regarding **claims 4, 9**, the phrase, "proximity", is interpreted broadly as possible. What is the scope of the phrase, "proximity"? Is a light 2 feet away in "proximity" or 2 miles away in "proximity"? The broadest interpretation will be utilized for examination purposes. Correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 4-11** are rejected under 35 U.S.C. 102(b) as being anticipated by Lys et al (US 6,166,496).

Regarding **claim 1**, Lys teaches a method of controlling an ambient light, the method comprising: receiving a video signal by a receiver (Lys: fig. 85); presenting the video signal by a presentation device (Lys: fig. 85); characterized in that the method further comprises analyzing the video signal (Lys: fig. 85, col. 47, line 60 – col. 49, line 8); setting a property of the ambient light based upon the analyzed video signal (Lys: fig. 85, col. 47, line 60 – col. 49, line 8).

Regarding **claim 4**, Lys teaches setting the property of the ambient that is in proximity of the presentation device (Lys: fig. 85, numeral 501).

Regarding **claim 5**, Lys teaches setting the property of the ambient light is substantially synchronously with presenting the main data by the presentation device (Lys: col. 48, lines 1-26).

Regarding **claim 6**, Lys teaches setting the property of the ambient light is configurable (Lys: col. 48, lines 1-26).

Regarding **claim 7**, Lys teaches setting the property of the ambient light is configurable by a user preference (Lys: col. 13, lines 6-23).

Regarding **claim 8**, Lys teaches a system for controlling an ambient light, the system comprising: receiving means conceived to receive a video signal (Lys: fig. 85); translation means conceived to translate the video signal into a displayable signal by a presentation device (Lys:

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fig. 85) characterized in that the system further comprises: processing means conceived to analyze the received video signal (Lys: fig. 85, col. 47, line 60 – col. 49, line 8) and set a property of the ambient light based upon the analyzed video signal (Lys: fig. 85, col. 47, line 60 – col. 49, line 8).

Regarding **claim 9**, Lys teaches processing means are conceived to set the property of the ambient light that is in proximity of the presentation device (Lys: fig. 85, numeral 501).

Regarding **claim 10**, Lys teaches synchronization means conceived to synchronize presenting the main data with setting the property of the ambient light (Lys: col. 48, lines 1-26).

Regarding **claim 11**, Lys teaches a lighting unit comprising a light armature (Lys: figure 85, numeral 501) and the system according to claim 8 (see rejection of claim 8).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 2-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over by Lys et al (US 6,166,496) in view of Dowling et al (US 6,548,967 B1).

Regarding **claims 2-3**, Lys discloses all elements as mentioned above in claim 1. Lys does not teach face recognition and expression recognition.

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Dowling teaches face recognition and expression recognition (Dowling: col. 10, lines 37-59).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the Lys reference to utilize face recognition and expression recognition as suggested by Dowling, to “gauge customer’s interest in ... a retail display [to] determine the overall effectiveness of retail displays and advertisements” (Dowling: col. 10, lines 37-59).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Park whose telephone number is (571) 270-1576. The examiner can normally be reached on M-F 10:30 - 20:00, (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Brian Werner can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Edward Park
Examiner
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/Edward Park/

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

BRIAN WERNER
SUPERVISORY PATENT EXAMINER